

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ROBERT M. PEREZ,

Plaintiff,

v.

CIVIL ACTION NO. 2:14-cv-29120

GARA A. SUMMERS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Before the Court are Plaintiff's Application to Proceed Without Prepayment of Fees and Costs [ECF 1], Notice of Removal of a Complaint [ECF 2], and Motion to Quash Revised Subpoenas [ECF 3]. By Standing Order entered May 7, 2014, and filed in this case on December 1, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and a recommendation for disposition ("PF&R"). Magistrate Judge Tinsley filed his PF&R [ECF 8] on March 20, 2015, recommending that this Court deny Plaintiff's motions and remand this action to state court.

The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the plaintiff's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not

conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.”

Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982).

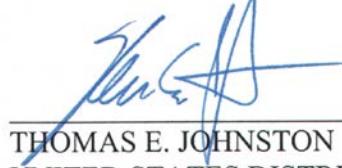
Objections to the PF&R in this case were due on April 6, 2015. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 8]; **DENIES** Plaintiff’s motions [ECF 1, 2, and 3], **REMANDS** this action to the Circuit Court of Kanawha County, West Virginia, and and **DIRECTS** the Clerk to remove this case from the Docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: April 24, 2015



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE